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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/551,947	10/05/2005	Tooru Yamakita	05670/LH	3610
1933 7590 03/30/2009 FRISHAUF, HOLTZ, GOODMAN & CHICK, PC 220 Fifth Avenue 16TH Floor NEW YORK, NY 10001-7708				
EXAMINER				
MISLEH, JUSTIN P				
ART UNIT		PAPER NUMBER		
2622				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Response to Arguments

1. Applicant's arguments filed 16 March 2009 seek reconsideration of Claims 1 and 3. Applicant argues, "Boles does not disclose that the microscope ii comprises the reader/writer 6. Boles also does not disclose reading electronic tag information when the image capture device captures the image data of the article ... Lane et al, moreover, discloses an RFID reader i0 but does not disclose or suggest a digital camera comprising an electronic tag reader."
2. These arguments have been fully considered but they are not persuasive. It appears that Applicant is arguing that since "digital camera comprising" is recited in the preamble that the corresponding components listed in the body of the claims should be incorporated in a digital camera house or at least form some portable device that looks and functions as a typical consumer digital camera. However, the Examiner respectfully notes the claim language does not require that the claimed components of the digital camera be incorporated into a single camera housing or at least form some portable device that looks and functions as a typical consumer digital camera. Hence, as long as a prior art device includes the listed components, the prior art device forms a digital camera. In the case of Boles, the Examiner indicated the computer 1 (figure 1) forms the claimed digital camera. This is true because peripherals 6 and 11 (see figure 1) of the computer 1 correspond to the claimed components. See Final Rejection mailed 17 December 2008 for the details.
3. Finally, Applicant believes neither Boles nor Lane disclose/teach that the digital image and the tag information are captured acquired at the same time or at times relative to each other. However, Boles provides clear evidence in paragraphs 40 and 42 that the digital image and tag information are indeed captured together. These paragraphs were cited in the Final Rejection.

4. For these reasons, the rejection will be maintained.

Conclusion

5. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Justin P Misleh whose telephone number is 571.272.7313. The Examiner can normally be reached on Monday through Friday from 8:00 AM to 5:00 PM.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, David Ometz can be reached on 571.272.7593. The fax phone number for the organization where this application or proceeding is assigned is 571.273.8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

**/Justin P. Misleh/
Primary Examiner
Group Art Unit 2622
March 30, 2009**